

# **Exhibit G**

**Subject:** RE: DMS. Dealership Search term modifications and objections

**Date:** Friday, August 3, 2018 at 9:48:54 PM Eastern Daylight Time

**From:** Provance, Matthew D.

**To:** Schindler, Sarah, Hughes, John, Michaels, Jessica A.

**CC:** Miller, Britt M., Hastert, Ethan A., SERVICE-EXTERNAL-DMS-MDL

Dear Sarah –

Thank you for the call this morning. At the conclusion of our call, we agreed to follow-up today on the following issues:

Sales Data: You asked us to confirm that the structured sales data produced by CDK (which we referred to as the “Oracle” data) reflects “all amounts that CDK invoiced and was paid by DMS customers and DMI, IntegraLink, and 3PA customers.” The dataset does so for the time period that it covers. We also specifically investigated your comment during today’s call that you had so far only come across transactional data related to DMS sales. You may not be looking in the right place. Among other things, we would direct you to Portfolio Solution “3RD PARTY INTEGRATION” and Portfolio Product “THIRD PARTY ACCESS” in the dataset.

Further, as was my recollection during our call, the produced Oracle data goes from Q1 2011 through Q3 2017. Although CDK believes that seven years of transactional sales data is more than sufficient, CDK is willing to meet-and-confer about a “refresh” of this data at some point during discovery in this MDL on a coordinated basis with all Plaintiffs. In other words, if CDK agrees to a refresh, it intends to do so once. We are willing to engage in this discussion outside the August 6 motions deadline, as it doesn’t seem ripe yet to have it now.

CRM Data: You asked us to confirm whether CDK’s produced CRM (Salesforce) data includes call notes from sales contacts with dealers (and the non-Dealer Plaintiffs later asked us to confirm the same thing for vendors). We confirm the following: the produced dataset includes reports generated from all Instances within Salesforce that were intended to—and as far as we can determine, based on a reasonably diligent investigation, in fact did—capture comments generated from sales contacts with both dealers and vendors.

Centrally-Maintained Files: You asked us whether documents are being collected from centrally-maintained files containing “promotional/marketing materials and/or product informational materials provided to Dealerships,” “competitive intelligence for the DMS and DIS market” or materials specific to “conferences or conventions.” We will repeat what we said in our August 2 letter: we have not completed our investigation of where all responsive documents are reasonably likely to exist, nor have we completed our collection of potentially responsive documents from centrally-maintained files. But we will confirm, however, that we are looking for centrally-maintained files on the topics listed above, among others.

We hope that this resolves the parties’ outstanding issues stemming from the Dealership Class Plaintiffs’ requests for production, other than the applicable time period for RFP 11.

Regards,  
Matt Provance

---

Matt Provance  
Mayer Brown LLP

mprovance@mayerbrown.com  
Tel: 312 701 8598  
Fax: 312 706 9397

---

**From:** Schindler, Sarah [mailto:[sschindler@milberg.com](mailto:sschindler@milberg.com)]  
**Sent:** Thursday, August 02, 2018 9:19 PM  
**To:** Provance, Matthew D.; Hughes, John; Michaels, Jessica A.  
**Cc:** Miller, Britt M.; Hastert, Ethan A.; SERVICE-EXTERNAL-DMS-MDL  
**Subject:** RE: DMS. Dealership Search term modifications and objections

Yes, 9:30am EST. Please provide a call-in. Thanks

-SS

---

**From:** Provance, Matthew D. [mailto:[MProvance@mayerbrown.com](mailto:MProvance@mayerbrown.com)]  
**Sent:** Thursday, August 02, 2018 10:17 PM  
**To:** Hughes, John; Michaels, Jessica A.  
**Cc:** Miller, Britt M.; Hastert, Ethan A.; SERVICE-EXTERNAL-DMS-MDL  
**Subject:** RE: DMS. Dealership Search term modifications and objections

Talk to you tomorrow. I assume you mean 9:30 Eastern?

---

**Matt Provance**  
Mayer Brown LLP  
[mprovance@mayerbrown.com](mailto:mprovance@mayerbrown.com)  
Tel: 312 701 8598  
Fax: 312 706 9397

---

**From:** Hughes, John [mailto:[jhughes@milberg.com](mailto:jhughes@milberg.com)]  
**Sent:** Thursday, August 02, 2018 6:59 PM  
**To:** Provance, Matthew D.; Michaels, Jessica A.  
**Cc:** Miller, Britt M.; Hastert, Ethan A.; SERVICE-EXTERNAL-DMS-MDL  
**Subject:** RE: DMS. Dealership Search term modifications and objections

Matt,

We are happy to try to make this an efficient call. Therefore, we will meet and confer regarding the Search Terms and CDK's Interrogatories if you will also confer with us on issues for which CDK owes answers to Dealership Plaintiffs. Our letter of July 31 requested a response by today regarding a number of issues with CDK's Responses to Dealership Plaintiffs' RFPs.

If we can speak about the issues on both sides, we can be available at 9:30 AM tomorrow.

---

**From:** Provance, Matthew D. [mailto:[MProvance@mayerbrown.com](mailto:MProvance@mayerbrown.com)]  
**Sent:** Thursday, August 02, 2018 3:57 PM  
**To:** Hughes, John; Michaels, Jessica A.  
**Cc:** Miller, Britt M.; Hastert, Ethan A.; SERVICE-EXTERNAL-DMS-MDL  
**Subject:** RE: DMS. Dealership Search term modifications and objections

John, we received your letter. We take issue with much of it, and likely will be responding to its substance separately. However, I want to make one thing clear: our letter of last night was not a “substantive refusal to meet and confer regarding search terms.” Rather, our letter identified the basic information, missing from your last-minute response regarding search terms, that not only CDK but all the parties in this MDL (including the Dealers) have found critically important when engaging in meaningful meet-and-confers regarding ESI search terms. It was certainly appropriate for us to ask for this information, and to do so promptly. Nothing in our letter can be reasonably interpreted to state that CDK refuses to meet-and-confer; to the contrary, we said that “CDK remains open to working Dealership Plaintiffs in good faith to resolve the ongoing dispute relating to CDK’s proposed search terms,” and that we would “promptly make ourselves available to meet-and-confer on the issue” once we received your response. Of course, we remain skeptical that these issues can be resolved prior to the August 6 motions deadline, more so after seeing the tenor of your response letter, but in no way are we refusing to meet-and-confer.

I am available between 5:00 and 7:00 (Eastern) this afternoon, and then again early tomorrow morning. I would ask for efficiency’s sake that when we schedule this call we also include a discussion of CDK’s Interrogatories.

Thanks,  
Matt

---

**Matt Provance**  
Mayer Brown LLP  
mprovance@mayerbrown.com  
Tel: 312 701 8598  
Fax: 312 706 9397

---

**From:** Hughes, John [mailto:[jhughes@milberg.com](mailto:jhughes@milberg.com)]  
**Sent:** Thursday, August 02, 2018 12:48 PM  
**To:** Michaels, Jessica A.  
**Cc:** Miller, Britt M.; Hastert, Ethan A.; Provance, Matthew D.; SERVICE-EXTERNAL-DMS-MDL  
**Subject:** Re: DMS. Dealership Search term modifications and objections

Jessica -

Please see our response to CDK's letter of last night.

John Hughes  
Attorney at Law\*  
**Milberg Tadler Phillips Grossman LLP**  
One Pennsylvania Plaza, Suite 1920  
New York, NY 10119  
T: 212.594.5300  
F: 212.868.1229  
[Jhughes@milberg.com](mailto:Jhughes@milberg.com)

\*Licensed in Michigan only

---

**From:** Michaels, Jessica A. <JMichaels@mayerbrown.com>  
**Sent:** Thursday, August 2, 2018 12:38:34 AM  
**To:** Hughes, John  
**Cc:** SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com; Miller, Britt M.; Hastert, Ethan A.; Provance, Matthew D.  
**Subject:** RE: DMS. Dealership Search term modifications and objections

John –

Please see attached regarding Dealership Plaintiffs' modifications and objections to CDK's Proposed Search Terms.

Regards,  
Jessica Michaels

---

**From:** Hughes, John [mailto:[jhughes@milberg.com](mailto:jhughes@milberg.com)]  
**Sent:** Wednesday, August 01, 2018 12:58 PM  
**To:** FW-CLIENT-CDK-MDL-Team  
**Cc:** DMSTeam; Nemelka, Michael N.; Rudofsky, Benjamin L.; Dorris, Daniel V.  
**Subject:** DMS. Dealership Search term modifications and objections

Attached please find Dealership Plaintiffs' modifications and objections to CDK's Proposed Search Terms. We are available to meet and confer on these terms at your convenience.

John Hughes  
Attorney at Law\*  
**Milberg Tadler Phillips Grossman LLP**  
One Pennsylvania Plaza, Suite 1920  
New York, NY 10119  
T: 212.594.5300  
F: 212.868.1229  
[Jhughes@milberg.com](mailto:Jhughes@milberg.com)

\*Licensed in Michigan only

---

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Information about how we handle personal information is available in our [Privacy Notice](#).